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July 6, 2017

VIA ECF
Honorable Naomi Reice Buchwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jarrett Frost v. City of New York, et al.
15 Civ. 4843 (NRB)

Your Honor:

I am a Senior Associate at Novo Law Firm, PC and am the attorney assigned to represent Plaintiff JARRETT FROST in the above-referenced matter. I write this letter-motion jointly, with Erica Haber, Esq., Senior Counsel of the Special Federal Litigation Division, and the attorney assigned to represent Defendants in this case, respectfully requesting an extension of time to complete depositions regarding the malicious prosecution claim in this action.

Previously, Your Honor directed that plaintiff's claims against the defendant members of the New York City Police Department ("NYPD") be bifurcated from plaintiff's claims against the defendant members of the New York City Department of Correction ("DOC"). Accordingly, the parties have exchanged documents pertaining to plaintiff's arrest on January 13, 2011, and the subsequent prosecution, but have not conducted any discovery with regard to plaintiff's allegations against the DOC defendants. In light of the bifurcation, the parties agreed that plaintiff's deposition would focus solely on the malicious prosecution claim, his background, and any purported claims for damages arising from his arrest and prosecution, and that his deposition would be kept open so that Defendants could question plaintiff about his allegations against the DOC defendants at the appropriate time.

Plaintiff's deposition began on June 27, 2017, at approximately 1:50 p.m., however, at approximately 5:50PM, prior to the deposition concluding, the Court Reporter announced that she would not be able to stay past 6:30 p.m., which would not have allowed enough time to complete the deposition. Accordingly, due to both the Court Reporter and counsel's schedules, it was agreed upon by all parties that Mr. Frost will be brought back for another day soon to address the remaining topics regarding the prosecution portion of this matter.

Therefore, all parties respectfully request an extension of time from June 30, 2017 to and including September 15, 2017 to complete Mr. Frost's deposition with regard to the malicious prosecution claim, and to complete the NYPD Defendants' depositions in this case. The parties anticipate conducting discovery with regard to plaintiff's claims arising from his incarceration at Riker's Island once discovery regarding plaintiff's malicious prosecution claim has concluded.

The parties are continuing to work together cooperatively.

Respectfully submitted,


Ellie Silverman

CC: VIA ECF – *Erica Haber, Esq.* – Attorney for Defendants